

Chairman Doug Ose
Opening Statement
Elevation of the Environmental Protection Agency to Department Level Status:
H.R. 37 and H.R. 2138
June 6, 2003

As this Nation faces a new generation of environmental challenges, the issue of the elevation of the Environmental Protection Agency (EPA) is more important than ever. The United States is one of the few industrial nations that does not place environmental protection at a cabinet-level position. I believe that environmental protection is as important as other Cabinet functions, and is critical to the health and well-being of this Nation's environment and people.

Since its creation in 1970, EPA has grown from a small agency to one with about 18,000 employees and a budget of \$7.7 billion. Over the last 30 years, 11 major environmental laws expanded EPA's jurisdiction and delegated most implementation activities to the States. EPA now faces new environmental challenges originating from non-point sources that are difficult to regulate. To meet future challenges, many experts have stated that EPA needs to be reformed.

During the last Congress, this Subcommittee held three hearings addressing EPA elevation bills introduced by Congressman Sherwood Boehlert and former Congressman Steve Horn. Several experts, industry representatives, EPA and other Administration and State officials, testified to the merits of elevation, and current organizational problems at EPA that hinder effective environmental protection. Today's hearing will examine two new EPA elevation bills referred to this Subcommittee. H.R. 37, introduced by Congressman Sherwood Boehlert, is identical to H.R. 2438, as introduced in the 107th Congress. H.R. 37 simply elevates EPA to department-level status.

Based on the expert testimony from our previous three hearings, I introduced HR 2138 on May 15, 2003. My bill would make significant organizational and institutional changes to EPA. It reorganizes EPA into three Under Secretaries: (1) Policy, Planning, and Innovation; (2) Science and Information; and, (3) Compliance, Implementation, and Enforcement. The Under Secretary for Policy, Planning, and Innovation would have authority over all program offices, regulations and policy development. The Under Secretary for Implementation, Compliance, and Enforcement would supervise the Regional offices.

Responding to the overwhelming criticism over the lack of sound science at EPA, my bill creates an Under Secretary for Science and Information. This section mirrors legislative language from H.R. 64, "Strengthening Science at the EPA Act," introduced by Congressman Vernon Ehlers, which passed the House in the last Congress. Finally, my bill creates an independent Bureau of Environmental Statistics to collect, analyze, and report on environmental and human health conditions (see chart on display).

Currently, each EPA Regional office, program office and division reports directly to EPA's Administrator and Deputy Administrator (see a second chart on display). The Subcommittee

heard testimony during the last Congress that this “stovepipe” organization results in EPA’s inability to effectively address cross-media environmental protection. I believe that EPA’s structure, as it currently exists, lacks adequate oversight and coordination of its offices to ensure that science, policy and implementation are integrated throughout EPA.

The Subcommittee also heard testimony during the last Congress that EPA lacks scientific leadership, critical science for decisionmaking, intra-agency dissemination of information, and coordinated efforts between the Office of Research and Development and the program offices. The lack of coordination between the Water and Air program offices, that resulted in the MTBE contamination of our groundwater, must never happen again. I believe all science at EPA needs to be consolidated into one centralized division headed by strong leadership that will advance environmental protection by conducting peer-reviewed scientific studies of the highest caliber.

One of the most serious deficiencies at EPA is the unavailability of reliable and measurable environmental outcome data, such as cleaner water and fewer illnesses. Several other departments have their own statistical agencies to provide independent and reliable data for decisionmaking and analysis. By creating a Bureau of Environmental Statistics, we can ensure that the policies EPA advances are actually cleaning the environment and protecting the health of our citizens.

EPA, as it exists today, does not have the institutional ability to meet the environmental challenges of the 21st century. By reorganizing EPA and providing the statistical tools to understand our changing environment, we have the opportunity to create an executive department that does a better job of protecting the environment than it currently does as an independent Federal agency.

I look forward to the testimony of our distinguished panel here today. The panel of witnesses includes: Dr. Paul Portney, President, Resources for the Future; Janice Mazurek, Director for Innovation and the Environment, Progressive Policy Institute; Dr. George Gray, Deputy Director, Center for Risk Analysis, Harvard School of Public Health; Dr. Steven Hayward, F.K. Weyerhaeuser Fellow, American Enterprise Institute; Wesley Warren, Senior Fellow for Environmental Economics, Natural Resources Defense Council; and, Rena U. Steinzor, Professor, University of Maryland School of Law and Board Member, Center for Progressive Regulation.